

**REMARKS**

Claim 1-17 are the claims currently pending in the Application.

Claims 1, 6, 9 and 17 are amended to clarify features recited thereby.

***Formal Matters***

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

***Rejection of Claim 6 under 35 U.S.C. § 112, Second Paragraph***

Claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed.

Applicant is of the view that a person of ordinary skill would have readily understood the language of claim 6 based on Applicant's disclosure and that the grounds for the rejection of claim 6 amount to at most grounds for an objection. No amendment is required under applicable law or regulation.

However, in the interest of expediting prosecution of the present Application, claim 6 is amended. Therefore, this rejection should now be withdrawn.

***Rejection of Claims 1-17 under 35 U.S.C. § 103***

Claims 1-17 are rejected under 35 U.S.C. § 103 as being obvious from Herz et al., U.S. Patent No. 6,571,279 and Hall et al., U.S. Patent No. 6,026,375. This rejection is traversed.

Among the problems recognized and solved by Applicant's claimed invention is that information about the value, as measured based on consumer response, to advertisers of the advertising provided to mobile customers is lost to the advertisement service provider (or advertisement intermediary or advertiser broker).<sup>1</sup> According to an aspect of Applicant's claimed invention, the advertisement effect is determined based on the transmitted reservation request data of the consumers in order to track the value or effectiveness of the advertising for the advertisers.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from the cited references. By way of example, independent claims 1, 9 and 17 require calculating the advertisement effect based on the transmitted reservation request data of consumers.

Herz discloses a location enhanced information delivery system that presents the information suitable to a current audience based on location information (Herz, Abstract); such that the real-time location information of the viewer is taken into account in presenting advertisements targeted to the audience (Herz, column 8, lines 51-65). Herz discloses that users can pre-order items for pickup upon arrival (Herz, column 26, lines 49-61).

Herz does not disclose or suggest calculating the advertisement effect based on the transmitted reservation request data of consumers, as *inter alia* required by independent claims 1, 9 and 17. First, Herz does not disclose or suggest calculating an

---

<sup>1</sup> The present discussion explains illustrative aspects of Applicant's claimed invention. Applicant does not represent that every embodiment of Applicant's claimed invention necessarily embodies or performs the solutions herein discussed.

advertisement effect. That is, Herz does not disclose or suggest keeping track of the effectiveness of advertising that is transmitted to users.

The Examiner cites Herz, column 5, lines 15-35, and alleges that Herz discloses such a feature. The cited passage discloses that advertisers can bid on the price of the advertising to be transmitted to the users based on user demographic information, such as the user age group and income level. In this way, the price to be paid by advertisers for a given advertising slot is arrived at. However, Herz does not disclose or suggest keeping track of the advertisement effect.

Further, since Herz does not disclose or suggest this feature, Herz is incapable of disclosing or suggesting calculating the advertisement effect based on the transmitted reservation request data of consumers. Therefore, Herz does not disclose or suggest the recitations of independent claims 1, 9 and 17.

Hall discloses processing orders from customers in a mobile environment (Hall, Abstract), such that the estimated arrival time of customers is determined based on the current location of the customers (Hall, column 2, lines 12-61). Hall does not disclose or suggest calculating the advertisement effect based on the transmitted reservation request data of consumers, as inter alia required by independent claims 1, 9 and 17.

Therefore, Herz and Hall, even taken in combination, do not disclose or suggest the recitations of independent claims 1, 9 and 17. Claims 2-8 depend from independent claim 1, and claims 10-16 depend from independent claim 9. Therefore, claims 2-8 and 10-16 incorporate novel and nonobvious features of their respective base claims and are patentably distinguishable the prior art for at least the reasons that their

respective base claims are patentably distinguishable the prior art. Accordingly, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



George Brieger  
Registration No. 52,652

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Suite 300  
Garden City, New York 11530  
(516) 742-4343 Ext. 508

GB:rd